

SEALED
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2002-02
FEBRUARY 24, 2004 SESSION

FILED

FEB 25 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

UNITED STATES OF AMERICA

CRIMINAL NO.

3:04-00025

v.

18 U.S.C. § 2251(a)
18 U.S.C. § 2252A(a) (1)
18 U.S.C. § 2252A(a) (2) (A)
18 U.S.C. § 2252A(a) (5) (B)
18 U.S.C. § 2422(b)
18 U.S.C. § 1470

PHILIP ANDREWS DUVALL

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

(Production)

On or about October 29, 2001, at or near Griffithsville, Lincoln County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly employ, use, persuade, induce and entice a minor, that is, a person under the age of eighteen years (identified in this Count and elsewhere in this Indictment as the "First Known Minor"), to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, defendant PHILIP ANDREWS DUVALL then knowing and having reason to know that such visual depiction would be transported in interstate commerce and which visual depiction

was produced using materials that had been mailed, shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a).

COUNT TWO

(Production)

On or about November 6, 2001, at or near Griffithsville, Lincoln County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly employ, use, persuade, induce and entice the First Known Minor, that is, a person under the age of eighteen years, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, defendant PHILIP ANDREWS DUVALL then knowing and having reason to know that such visual depiction would be transported in interstate commerce and which visual depiction was produced using materials that had been mailed, shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a).

COUNT THREE

(Receipt)

On or about October 29, 2001, at or near Huntington, Cabell County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly receive child pornography that had been shipped and transported in interstate commerce, that is, a computer digital image file bearing a visual depiction of the First Known Minor, that is, a person under the age of eighteen years, engaged in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A).

COUNT FOUR

(Receipt)

On or about November 6, 2001, at or near Huntington, Cabell County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly receive child pornography that had been shipped and transported in interstate commerce, that is, a computer digital image file bearing a visual depiction of the First Known Minor, a person under the age of eighteen years, engaged in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252A(a) (2) (A).

COUNT FIVE

(Attempt to Transport)

On or about December 2, 2002, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly attempt to transport and ship by computer in interstate commerce, child pornography, that is, a computer digital image file bearing a visual depiction of the First Known Minor, a person under the age of eighteen years, engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252A(a)(1).

In violation of Title 18, United States Code, Section 2252A(b)(1).

COUNT SIX

(Receipt - Video)

On or about December 5, 2002, at or near Huntington, Cabell County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly receive child pornography that had been shipped and transported in interstate commerce, that is, a computer digital image file bearing a visual depiction of a minor, that is, a person under the age of eighteen years, engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252A(a) (2) (A).

COUNT SEVEN

(Receipt - Video)

On or about March 25, 2003, at or near Huntington, Cabell County, West Virginia and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly receive child pornography that had been shipped and transported in interstate commerce, that is, a computer digital image file bearing a visual depiction of a minor, that is, a person under the age of eighteen years, engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A).

COUNT EIGHT

(Possession)

On or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly possess material, that is, one Maxtor hard drive, model number 6E030L0, serial number E11ZBHVE, which contained images of child pornography, that is, visual depictions of children under the age of eighteen years engaging in sexually explicit conduct, which images were contained in three "graphic image" or digital files that had been mailed, shipped and transported in interstate commerce by any means, including by computer, and that were produced using materials that had been mailed, shipped and transported in interstate commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT NINE

(Possession)

On or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly possess material, that is, one 3.5 inch "floppy" computer disk, which contained an image of child pornography, that is, a visual depiction of a child under the age of eighteen years engaging in sexually explicit conduct, which image was contained in a computer digital image file that had been mailed, shipped and transported in interstate commerce by any means, including by computer, and which image was produced using materials that had been mailed, shipped and transported in interstate commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a) (5) (B).

COUNT TEN

(Possession)

On or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly possess material, that is, two 3.5 inch "floppy" computer disks, each of which contained an image of child pornography, that is, a visual depiction of a child under the age of eighteen years engaging in sexually explicit conduct, which images were contained in computer digital image files that had been mailed, shipped and transported in interstate commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped and transported in interstate commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a) (5) (B).

COUNT ELEVEN

(Possession)

On or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL did knowingly possess material, that is, one CD Rom, also known as a "compact disk," which contained images of child pornography, that is, visual depictions of children under the age of eighteen years engaging in sexually explicit conduct, which images were contained in computer digital image files that had been mailed, shipped and transported in interstate commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped and transported in interstate commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT TWELVE

(Enticement)

From in or about late December 2002, until on or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL, using a facility and means of interstate commerce, that is, the Internet, did knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years (identified in the Count and elsewhere in this Indictment as the Second Known Minor), to engage in sexual activity for which he could be charged with a criminal offense, that is, Sexual Assault, in violation Section 61-8B-1 of the West Virginia Code, and did knowingly attempt to do so.

In violation of Title 18, United States Code, Section 2422(b).

COUNT THIRTEEN

(Enticement)

From on or about April 19, 2003, until on or about April 22, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL, using a facility and means of interstate commerce, that is, the Internet, did knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years (identified in this Count and elsewhere in this Indictment as the Third Known Minor), to engage in sexual activity for which he could be charged with a criminal offense, that is, Sexual Assault, in violation Section 61-8B-1 of the West Virginia Code, and did knowingly attempt to do so.

In violation of Title 18, United States Code, Section 2422(b).

COUNT FOURTEEN

(Transfer of Obscenity)

On or about April 19, 2003, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant PHILIP ANDREWS DUVALL, using a facility and means of interstate commerce, that is, the Internet, did knowingly transfer obscene matter to other individuals (the Second and Third Known Minors, and an individual identified as the Fourth Known Minor), none of whom had attained the age of 16 years, defendant PHILIP ANDREWS DUVALL then knowing that none of the other individuals (the Second, Third and Fourth Known Minors) had attained the age of 16 years.

In violation of Title 18, United States Code, Section 1470.

FORFEITURE

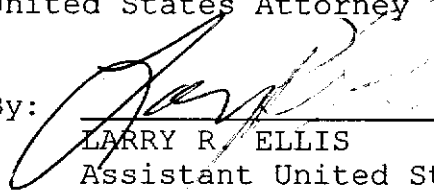
In accordance with Title 18, United States Code, Section 2253(a), and Rules 7(c)(2) and 32.2(a) of the Federal Rules of Criminal Procedure, and premised upon the conviction of the defendant PHILIP ANDREWS DUVALL of a violation of Chapter 110, Title 18, United States Code, Sections 2251 et seq., as set forth in this indictment, the defendant shall forfeit to the United States any visual depictions and any books, magazines, periodicals, films, videotapes, and other matter which contains such visual depictions, which were produced, transported, mailed, shipped, or received in connection with the violations set forth in this indictment; any real and personal property constituting or traceable to gross profits and other proceeds obtained from the violations set forth in this indictment; and any real and personal property used or intended to be used to commit or to promote the commission of the violations set forth in this indictment including, but not limited to, One DELL Dimension CPU, Model # 2300; serial number JTWZ 221.

A True Bill.



Foreperson

KASEY WARNER
United States Attorney

By: 

LARRY R. ELLIS
Assistant United States Attorney

No. _____

UNITED STATES DISTRICT COURT

SOUTHERN District of WEST VIRGINIA

CHARLESTON Division

THE UNITED STATES OF AMERICA

vs.

PHILIP ANDREWS DUVALL

INDICTMENT

18 U.S.C. § 2251(a)
18 U.S.C. § 2252A(a) (1)
18 U.S.C. § 2252A(a) (2) (A)
18 U.S.C. § 2252A(a) (5) (B)
18 U.S.C. § 2422(b) and 18 U.S.C. § 1470

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____